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TAXATION — REMEDIES FOR WRONGFUL TAXATION — INTERPLEADER. — The executors of a will were taxed on the estate in Boston, as executors, and in three other municipalities, as trustees. They filed a bill in equity, making the four municipalities defendants and seeking to compel them to interplead and determine the validity of the several assessments. *Held*, that the bill does not lie. *Welch v. City of Boston*, 94 N. E. 271 (Mass.). See NOTES, p. 174.

TORTS — ERECTION OF SPITE FENCE TO INTIMIDATE LITIGANT. — The defendant, who had been temporarily enjoined at the suit of a neighbor from keeping dogs on his land, threatened to erect a twenty-foot fence on the plaintiff's line unless she desisted from prosecuting the suit. The plaintiff persisted and the fence was erected. Having failed to remove the dogs, the defendant was fined for contempt. *Held*, that an amended petition for the removal of the fence should be granted. *Wilson v. Irwin*, 138 S. W. 373 (Ky.).

The order requiring the removal of the fence is obviously not a means of bringing pressure to bear on the defendant to perform the first decree. Moreover, it can scarcely be contended that it constitutes punishment for the criminal contempt of court involved in the attempted intimidation of the plaintiff, since such punishment has been limited to fine and imprisonment. See OSWALD, CONTEMPT OF COURT, ch. XIII. The only ground, therefore, on which the decision can be supported is that the malicious erection of the fence was a violation of a right of the plaintiff for which the redress to be obtained in a suit at law was inadequate. In many jurisdictions such a right is recognized. *Bayer v. Barrington*, 151 N. C. 433, 66 S. E. 439. *Contra, Russel v. State*, 32 Ind. App. 243, 69 N. E. 482. *Cf. Burke v. Smith*, 69 Mich. 380, 37 N. W. 838. The absence of any doubt in the present case that injury to the plaintiff was the sole motive inducing the erection of the fence negatives one of the strongest grounds on which relief has been denied to the plaintiff in the cases denying the right. Indeed, in a previous case involving similar facts this very court held that no action lay. *Saddler v. Alexander*, 21 Ky. L. Rep. 1835, 56 S. W. 518.

VESTED, CONTINGENT, AND FUTURE INTERESTS — LIABILITY OF FUTURE INTERESTS IN PERSONALTY FOR OWNER'S DEBTS. — Personal property was bequeathed to trustees for the use of the testator's wife during her natural life, and after her death to be divided between the testator's son and daughter, if they should survive his wife and attain the age of twenty-five years. A creditors' suit was instituted in the lifetime of the widow and before the children had reached twenty-five, to compel the sale of the son's interest to satisfy a judgment against him. *Held*, that the plaintiff is entitled to this relief. *National Park Bank v. Billings*, 144 N. Y. App. Div. 536, 129 N. Y. Supp. 846. See NOTES, p. 171.

WITNESSES — FEES — WHAT IS ATTENDANCE UPON COURT. — The plaintiff was summoned to testify before a police court, and, being unable, since he was a stranger in the town, to furnish security for his appearance at the next term of court, was detained in jail. *Held*, that he can recover fees for the period of detention. *Kirke v. Strafford County*, 80 Atl. 1046 (N. H.).

Statutes compensating witnesses for their services uniformly fix *per diem* fees for attendance upon court. PUB. STAT. AND SESS. LAWS OF N. H., 1901, c. 287, § 13; CODE OF IA., 1897, § 4661; 1 PUB. GEN. LAWS OF MD., 1904, Art. 35, § 11. The conflict of authority in the case of a witness imprisoned for failure to obtain security is therefore only explicable as a difference in construction of the term "attendance." Some courts construe it strictly to mean attendance upon the court when in session, and deny recovery for the period of detention. *Marshall County v. Tidmore*, 74 Miss. 317, 21 So. 51; *State ex rel. Sawyer v. Greene*,

91 Wis. 500, 65 N. W. 181. This rule, however, has been changed by statute in one state. 2 WIS. STAT., 1898, § 4060. Another court denying recovery regards the witness as at fault, on the ground that the committing magistrate must have found him to be a person who could not be trusted to discharge his duty to the state by appearing voluntarily. *Markwell v. Warren County*, 53 Ia. 422, 5 N. W. 570. The courts followed in the principal case regard him as more unfortunate than at fault, and hold the confinement to be constructive attendance within the statute. *Hall v. County Commissioners of Somerset County*, 82 Md. 618, 34 Atl. 771; *Robinson v. Chambers*, 94 Mich. 471, 54 N. W. 176. It would seem fair, apart from the question of statutory construction, that the witness, if he can prove himself not at fault in failing to secure bail, should recover for the time of imprisonment.

BOOK REVIEWS.

THE RECORDS OF THE FEDERAL CONVENTION OF 1787. Edited by Max Farrand. In three volumes. New Haven: Yale University Press. 1911. pp. xxv, 606; 667; 685.

Here is presented, in the first two volumes, a convenient and painstaking view of the various contemporaneous accounts of the proceedings of the Federal Convention. The plan is to present day by day the various accounts. The official Journal is always placed first. Next comes Madison. The fragmentary records of Yates, King, and others follow. The editor has frequently found it difficult to determine what is the proper text of the Journal and of Madison; and numerous foot-notes indicate the more important points of textual criticism. It is explained that there is frequent difficulty in attaching to the proper questions the Journal's tabular records of yea and nay votes; and the embarrassment is obvious from a glance at the photograph opposite page 32 of the first volume. The difficulties as to Madison's Debates are obvious both from the annotations in these volumes and from the typographical devices adopted long ago in the third volume of the United States Government's Documentary History of the Constitution. The editor says truly enough that as to both the Journal and Madison there is opportunity for error; but an examination of these volumes shows that here the chance of error has been reduced to a minimum. Both for the care exercised and for the convenient arrangement of the text the editor will receive the thanks of all persons who realize how easy it is to prepare volumes of this sort in a way that exasperates.

The third volume consists of appendices and indices. The first appendix presents more than four hundred extracts throwing light upon the proceedings and persons of the Federal Convention; and beyond question these extracts — for example those on pages 87 and 232 giving character sketches of the delegates — contain the matter that will most easily appeal to the general reader. The other appendices present, among other things, the Virginia Plan, the Pinckney Plan, the New Jersey Plan, and the Hamilton Plan. These plans are accompanied with comments and annotations. When the editor has done so much, it may seem like unreasonable overreaching to intimate a regret that he did not indicate his reasons for ignoring Nott's "The Mystery of the Pinckney Draught." After the appendices comes the "Index by Clauses of the Constitution." This may well be deemed the key to the whole work and the editor's greatest aid to the investigator; for here, clause by clause, are references to all the places where the three volumes throw light upon the several topics. The volume ends with a General Index, which, besides aiding in the